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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MARY ARLENE GOMEZ,

9 Plaintiff,

v.

10 KITSAP COUNTY, et al.,

11 Defendants.

CASE NO. C17-5007 BHS

ORDER GRANTING
DEFENDANT'S UNOPPOSED
MOTION FOR SUMMARY
JUDGMENT

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13 This matter comes before the Court on Defendant Kitsap County's ("County")
14 unopposed motion for summary judgment. Dkt. 31.

15 On December 9, 2016, Plaintiff Mary Arlene Gomez ("Gomez") filed a complaint
16 against numerous defendants in Kitsap County Superior Court for the State of
17 Washington. Dkt. 1-2. Gomez asserted claims of assault, battery, outrage, negligent
18 infliction of emotional distress, excessive force, false imprisonment, negligence, and
19 violations of 42 U.S.C. §§ 1983 and 1985. *Id.* at 4–5. On January 6, 2017, the County
20 removed the matter to this Court. Dkt. 1. On May 12, 2018, the Court granted the
21 parties' stipulation and dismissed all claims except "those which may specifically be
22 attributed to medical care and/or medical attention" against the County. Dkt. 22.

1 On January 2, 2019, the County filed a motion for summary judgment on Gomez's
2 remaining claims based on medical care and/or medical attention. Dkt. 31. Gomez did
3 not respond.

4 While the Court may not consider Gomez's failure to respond as an admission
5 that the motion has merit, Local Rules W.D. Wash. LCR 7(b)(2), Gomez has failed to
6 submit any evidence in support of her claims. Upon review of the County's motion, it
7 has established that it is entitled to judgment as a matter of law on any federal or state
8 claim based on medical care and/or medical attention. *See* Dkt. 31. Thus, the burden
9 shifted to Gomez to establish that a material question of fact exists for trial that would
10 preclude judgment in the County's favor. Fed. R. Civ. P. 56(a). In the absence of any
11 evidence supporting her claim, Gomez has failed to establish the existence of any factual
12 dispute for any claim. Therefore, the Court **GRANTS** the County's motion. The Clerk
13 shall enter **JUDGMENT** for the County and close this case.

14 **IT IS SO ORDERED.**

15 Dated this 8th day of February, 2019.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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